

STATINTL

REGULATION

PERSONNEL
27 May 1953

**REGULATIONS UNDER EXECUTIVE ORDER NO. 10450
RELATING TO SECURITY REQUIREMENTS
FOR EMPLOYMENT IN THE
CENTRAL INTELLIGENCE AGENCY**

Rescission: CIA Regulation

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Pursuant to the authority contained in the Act of August 26, 1950, 64 Stat. 476, Section 102 of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, and Executive Order No. 10450 of April 27, 1953, I hereby prescribe the following Regulations relating to the security requirements for employment in the Central Intelligence Agency pursuant to Executive Order No. 10450. Nothing in this Regulation shall in any way affect the authority of the Director of Central Intelligence under Section 102(c) of the National Security Act of 1947 relating to termination of employees in the interest of the United States and the procedures thereunder set forth in CIA Regulation

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SECTION 1. DEFINITIONS

- (a) As used herein, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to weaken or destroy the United States and the national intelligence effort. The term "national security" shall also relate to the protection of intelligence sources, methods and organization from unauthorized disclosure.
- (b) As used herein, the term "sensitive position" shall mean any position in the Central Intelligence Agency occupied by a staff employee, based on the fact that the occupants of such positions in the Central Intelligence Agency could bring about, through the nature of any such positions, a material adverse effect on the national security. All such positions in the Central Intelligence Agency are included, not only because the occupant has, or may have, access to security information, classified material, and other information or material having a direct bearing on the national security, but also because all Central Intelligence Agency employees may have opportunity to commit acts directly or indirectly which can adversely affect the national security.
- (c) As used herein, the term "suspend" or "suspension" shall include the authority to place an employee on leave with or without pay.
- (d) As used herein, the term —
- (i) "Deputy Director (Administration)" shall be interpreted to include the Assistant Deputy Director (Administration).
 - (ii) "General Counsel" shall include the General Counsel, the Deputy General Counsel and the Legislative Counsel.
 - (iii) "Director of Security" shall include the Deputy Director of Security.

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SECTION 2. POLICY

It shall be the policy of the Central Intelligence Agency, based on the said Act of August 26, 1950, and Section 102 of the National Security Act of 1947 and the said Executive Order No. 10450, to employ and to retain in employment only those persons whose employment or retention in employment is found to be clearly consistent with the interests of the national security.

SECTION 3. SECURITY STANDARDS

- (a) No person shall be employed, or retained as an employee, in the Central Intelligence Agency unless the employment of such person is clearly consistent with the interests of the national security.
- (b) Information regarding an applicant for employment, or an employee, in the Central Intelligence Agency which may preclude a finding that his employment or retention in employment is clearly consistent with the interests of the national security shall relate, but shall not be limited, to the following:
 - (i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.
 - (ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.
 - (iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.
 - (iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.
 - (v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.
- (2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
- (3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.
- (4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.
- (5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which had adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.
- (6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.
- (7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

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- (a) Security investigations conducted pursuant to these Regulations shall be designed to develop information as to whether employment or retention in employment by the Central Intelligence Agency of the person being investigated is clearly consistent with the interests of the national security.
- (b) Every appointment made within the Central Intelligence Agency shall be made in conformity with investigatory requirements as set forth in appropriate Regulations of this Agency.

SECTION 5. SUSPENSION AND TERMINATION

- (a) The authority conferred by the Act of August 26, 1950, 64 Stat. 476, upon the heads of departments and agencies to which such Act is applicable to suspend civilian employees, without pay, when deemed necessary in the interests of the national security is hereby delegated with respect to employees of the Central Intelligence Agency to the Deputy Director (Administration) and the Assistant Director (Personnel).
- (b) Upon receipt of an investigative report containing derogatory information relating to any of the matters described in subsection (b) of Section 3 of these Regulations, the Director of Security of the Central Intelligence Agency shall immediately evaluate the report from the standpoint of the security of the Central Intelligence Agency.
- (c) If the Director of Security recommends suspension he shall forward the report and his evaluation to the Deputy Director (Administration). Upon receipt of the investigative report and the recommendation of the Director of Security, the Deputy Director (Administration) shall make an immediate positive determination as to the necessity for suspension of the employee in the interests of the national security. If he deems such suspension necessary, he shall notify the Director or Deputy Director of Central Intelligence of such determination, and the employee shall be suspended immediately. If he does not deem such suspension necessary, a written determination to that effect shall be made a part of the investigation file of the person concerned. Pending final determination in cases in which ameliorating circumstances are present, the employee may, upon recommendation of the Director of Security and approval of the Deputy Director (Administration), be transferred temporarily or be retained in such employee's current position while his case is being considered under these Regulations.
- (d) Factors to be taken into consideration in making the determination required by subsection (c) of this Section shall include, but shall not be limited to, (1) the seriousness of the derogatory information developed, (2) the degree of access, authorized or unauthorized, of the employee to security information or material, and (3) opportunity, by reason of the nature of the position, for committing acts adversely affecting the national security.
- (e) In case the employee is suspended the Assistant Director (Personnel) shall notify the employee as soon as possible of the reasons requiring consideration of his case under these Regulations, which reasons shall be supplied by the Director of Security. Such notice shall be in writing, and shall be as specific and detailed as security considerations, including the need for protection of confidential sources of information, permit.
- (f) An employee shall have the right to submit to the General Counsel, within 30 days after receipt of such notification, statements and affidavits refuting or explaining the stated reasons furnished by the Assistant Director (Personnel). Such statements and affidavits shall be considered by the General Counsel for sufficiency, and, after consultation with the Director of Security, a joint recommendation for the disposition of the case shall be made to the Director of Central Intelligence. If the General Counsel and the Director of Security are in disagreement, individual recommendations shall be made by them.

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- (g) On the basis of the recommendations of the General Counsel and the Director of Security and of his own review of the case, the Director of Central Intelligence shall make his determination of the case as follows:
- (1) If he finds that reinstatement, retention or retransfer is clearly consistent with the interests of the national security, he shall restore the suspended employee to duty in such position, retain, or retransfer as the case may be. Such an employee who has been suspended and reinstated shall be compensated for the period of suspension without pay.
 - (2) If he does not find that reinstatement or retransfer will be clearly consistent with the interests of the national security, but that employment of the employee in another position in the Central Intelligence Agency is clearly consistent with the interests of the national security, he may restore or transfer the employee to duty in such other position.
 - (3) If he does not find that reinstatement, retention or transfer of the employee to any position in the Central Intelligence Agency is clearly consistent with the interests of the national security, he shall terminate the employment of the employee.
 - (4) If the employment of the employee is terminated, the employee shall be given a written notice of such termination by the Assistant Director (Personnel).
- (h) In addition to the protection granted by subsections (e) through (g) of this Section to all employees of the Central Intelligence Agency, any staff employee who is a citizen of the United States and who has a permanent or indefinite appointment and has completed his probationary or trial period shall be entitled to the following:
- (1) A written statement of charges shall be furnished the employee within 30 days after his suspension. The statement shall be signed by the Deputy Director (Administration) and shall be as specific and detailed as security considerations, including the need for protection of confidential sources of information, permit, and shall be subject to amendment within 30 days of issuance.
 - (2) An opportunity shall be afforded the employee to answer, within 30 days after issuance of the statement of charges or within 30 days after the amendment thereof, such charges and submit affidavits. Statements in refutation of the charges and supporting documents shall be forwarded to the General Counsel, who shall consult with the Director of Security to determine the sufficiency of the answer. The General Counsel and the Director of Security shall make a joint recommendation to the Director of Central Intelligence. If the General Counsel and the Director of Security are in disagreement, individual recommendations shall be made by them.
 - (3) The employee shall be given a hearing before a hearing board composed of at least three impartial, disinterested persons, selected in accordance with the procedure set forth in Section 8 of these Regulations. The hearing shall be conducted in strict accordance with the procedure set forth in Section 9 of these Regulations. The recommendation of the hearing board shall be in writing and shall be signed by all members of the board. One copy of the recommendation shall be sent to the Director of Central Intelligence, and one copy shall be sent to the employee.
 - (4) The entire case shall be reviewed by the Director of Central Intelligence before a decision to terminate the employment of an employee is made final. The review shall be based on a study of all the documents in the case, including the record of the hearing before the hearing board.
 - (5) The employee shall be furnished a written statement of the decision of the Director of Central Intelligence.
- (i) Where security considerations permit, copies of all notices of personnel action taken in security cases shall be supplied at once by the Assistant Director (Personnel) to the Civil Service Commission.

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The Director of Security shall review all cases of employees of the Central Intelligence Agency with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947. After such further investigation as may be appropriate, such of those cases as have not been adjudicated under a security standard commensurate with that established by Executive Order No. 10450 of 27 April 1953, and these Regulations shall be readjudicated in accordance with the said Act of August 26, 1950, and these Regulations.

SECTION 7. REEMPLOYMENT OF EMPLOYEES WHOSE EMPLOYMENT HAS BEEN TERMINATED

No person whose employment has been terminated by any department or agency other than the Central Intelligence Agency under or pursuant to the provisions of the said Act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program, shall be employed in the Central Intelligence Agency unless the Director of Central Intelligence finds that such employment is clearly consistent with the interests of the national security and unless the Civil Service Commission determines that such a person is eligible for such employment. The finding of the Director of Central Intelligence and the determination of the Civil Service Commission shall be made a part of the personnel record of the person concerned.

SECTION 8. SECURITY HEARING BOARDS

- (a) Security Hearing Boards of the Central Intelligence Agency established pursuant to these Regulations shall be composed of not less than three civilian officers or employees of the Federal Government, selected by the Director of Central Intelligence from rosters maintained for that purpose by the Civil Service Commission in Washington, D. C. No member of a Security Hearing Board hearing the case of a Central Intelligence Agency employee shall serve on such board without an appropriate security clearance approved by the Director of Security.
- (b) No officer or employee of the Central Intelligence Agency shall serve as a member of a Security Hearing Board hearing the case of an employee of the Central Intelligence Agency.
- (c) No person shall serve as a member of a Security Hearing Board hearing the case of an employee with whom he is acquainted.
- (d) The Director of Security of the Central Intelligence Agency shall nominate an appropriate number of civilian officers or employees to the Security Hearing Board roster maintained in Washington by the Civil Service Commission.
- (e) Officers and employees nominated to Security Hearing Board rosters maintained by the Civil Service Commission shall be persons of responsibility, unquestioned integrity, and sound judgment. Each such nominee shall have been the subject of a full field investigation, and his nomination shall be determined to be clearly consistent with the interests of the national security.
- (f) The Assistant Director (Personnel) shall, whenever appropriate, provide stenographic facilities to the Security Hearing Board of the Central Intelligence Agency when needed to provide an accurate stenographic transcript of the hearing.
- (g) The Director of Security shall be responsible for the preparation of the charges against the employee to be presented to the Security Hearing Board. The Director of Central Intelligence shall be represented at the hearing by the General Counsel and the Director of Security. The General Counsel shall not act as prosecutor but shall aid the board in its determination as to procedures, and shall advise the employee of his rights before the board upon request of the employee. The Director of Security shall advise the board on security matters.

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SECTION 9. HEARING PROCEDURE

- (a) Hearings before security hearing boards shall be conducted in an orderly manner, and in a serious, business-like atmosphere of dignity and decorum, and shall be expedited as much as possible.
- (b) Testimony before the hearing boards shall be given under oath or affirmation.
- (c) The hearing board shall take whatever action is necessary to insure the employee of a full and fair consideration of his case. The employee shall be informed by the board of his right (1) to participate in the hearings, (2) to be represented by counsel of his choice, (3) to present witnesses and offer other evidence in his own behalf and in refutation of the charges brought against him, and (4) to cross-examine any witness offered in support of the charges.
- (d) Hearings shall be opened by the reading of the letter setting forth the charges against the employee, and the statements and affidavits by the employee in answer to such charges.
- (e) Both the Central Intelligence Agency and the employee may introduce such evidence as the hearing board may deem proper in the particular case. Rules of evidence shall not be binding on the board, but reasonable restrictions shall be imposed as to the relevancy, competency, and materiality of matters considered, so that the hearings shall not be unduly prolonged. If the employee is, or may be, handicapped by the nondisclosure to him of confidential information or by lack of opportunity to cross-examine confidential informants, the hearing board shall take that fact into consideration. If a person who has made charges against the employee and who is not a confidential informant is called as a witness but does not appear, his failure to appear shall be considered by the board in evaluating such charges, as well as the fact that there can be no payment for travel of witnesses.
- (f) The employee or his counsel shall have the right to control the sequence of witnesses called by him. Reasonable cross-examination of witnesses by the employee or his counsel shall be permitted.
- (g) The hearing board shall give due consideration to documentary evidence developed by investigation, including party membership cards, petitions bearing the employee's signature, books, treatises or articles written by the employee, and testimony by the employee before duly constituted authorities. The fact that such evidence has been considered shall be made a part of the transcript of the hearing.
- (h) Hearing boards may, in their discretion, invite any person to appear at the hearing and testify. However, a board shall not be bound by the testimony of such witnesses by reason of having called him, and shall have full right to cross-examine him.
- (i) Hearing boards shall conduct the hearing proceedings in such manner as to protect from disclosure information affecting the national security or tending to disclose or compromise investigative sources or methods.
- (j) Complete *verbatim* stenographic transcript shall be made of the hearing by qualified reporters, and the transcript shall constitute a permanent part of the record. Upon request, the employee or his counsel shall be furnished, at reasonable cost, a copy of the transcript of the hearing.
- (k) The board shall reach its conclusions and base its determination on the transcript of the hearing, together with such confidential information as it may have in its possession. The board, in making its determination, shall take into consideration the inability of the employee to meet charges of which he has not been advised, because of security reasons, specifically or in detail, or to attack the credibility of witnesses who do not appear. The decision of the board shall be in writing, and shall be signed by all members of the board. One copy of the decision of the board, together with the complete record of the case, including investigative reports, shall be sent to the Director of Central Intelligence. One copy of the decision of the board shall be sent to the employee.

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